

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 6/7/2006

ITEM NO. _____

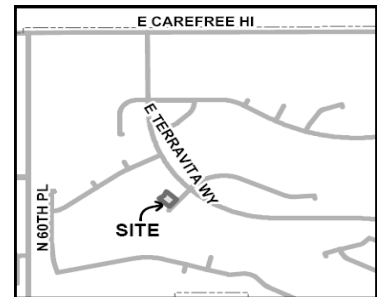
ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT
Cosentino Residence
8-BA-2006

REQUEST
Request to approve a variance from Article V. Section 5.404.E.3.a.1.
regarding rear setback.

OWNER/ APPLICANT
CONTACT
John Cosentino
970-596-4440

LOCATION
6184 E Dusty Coyote Cr



CODE ENFORCEMENT
ACTIVITY
No Code Enforcement activity has occurred on this case.

PUBLIC COMMENT
Neighboring properties within 300 feet of the site have been notified of the Applicant's request. There have been no inquiries to City staff regarding this case. Staff has received two letters of support from neighboring properties and one letter of approval from the Community Association of Terravita.

ZONE
The site is zoned (R1-10 ESL) single-family residential district within the Terravita master planned development, Environmentally Sensitive Lands. This district is intended to promote and preserve residential development on lots of 10,000 square feet or larger. Land use is composed of individual homes, recreational uses, religious and educational facilities.

ZONING/DEVELOPMENT
CONTEXT
The site is located within the Terravita Parcel "P" – A residential subdivision, approved February 23, 1995. Surrounding uses include:

North: Lot 3, single-family residence zoned R1-10 ESL located in the same subdivision of Terravita Parcel "P".

East: Dusty Coyote Circle directly abuts the property to the east with a golf course zoned O-S (Open Space) directly east of Dusty Coyote Circle.

South: Lot 1, single-family residence zoned R1-10 ESL located in the same subdivision of Terravita Parcel "P".

West: A golf course zoned O-S (Open Space) abuts the property on the west.

**ORDINANCE
REQUIREMENTS**

The amended standards for the subdivision of Terravita Parcel "P" reduced the required rear yard setback from 25 feet to 20 feet. Furthermore, Zoning Ordinance Section 5.404.E.3.a. states that "The main building or additions to the main building may extend into the required rear yard setback subject to the following requirements:

- (1) The main building or additions to the main building shall be setback 15 feet from the rear yard property line.
- (2) The main building or addition to the main building shall not occupy more than 30 percent of the area between the rear setback and the rear property line."

DISCUSSION

The requested variance is for the reduction in the minimum rear yard setback of 15 feet to 11 feet. The requested variance would allow the construction of a new additional room on the westerly side of the residence to project approximately 3.6 feet into the required 15 foot setback.

The rear property line lying to the west side of the property, which abuts a golf course, forms a "V" shape. This odd shaped rear property line creates an odd shaped backyard for the homeowner.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application that do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The Applicant states that the rear lot lines are irregular. "This is an undue hardship and special circumstance."

The rear property line of this lot is shaped as a "V" that notches into the lot and which also creates a "V" shaped rear yard setback.

- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

The Applicant states that there "will be a loss of enjoyment of the proposed additional room, a TV room and library, to be added to the existing structure because of a shortfall of 3.6 feet to obtain the 15-foot setback is a substantial property right loss. Because of the fact that the developer did not readjust the property line for the subject property, the property owner is losing the enjoyment of ownership and use of their property rights."

The existing residence currently sits within the building envelope. The proposed addition is approximately 285 square feet, which will encroach 3.6' into the required 15-foot rear setback.

3. That special circumstances were not created by the owner or applicant:

The Applicant states that the special circumstances were not created by the owner of the subject property and do not apply to other properties in the district. The developer's original plan was to construct two (men's and ladies) permanent restrooms for the golf participants outside the northwest line of the subject property. The project was cancelled and the restrooms were eventually placed at the end of the cart path beyond the home on the fourth green. The backyard of the subject property overlooks the fourth tee box. When the restroom project was cancelled and repositioned, the developer did not readjust the property line for the subject property, causing the property owner to lose 740.5 square feet of space. Lot 3 has a slight bend to accommodate the existing cart path. No other homeowners have a similar problem. This is an undue hardship and special circumstance.

A total of five lots within the subdivision of Terravita Parcel "P" have a similar "V" shaped rear yard property line. However, the Applicant's rear yard has the most dramatic "V" shaped property line of all the properties in this subdivision.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The Applicant states that "the two neighbors that abut the property have agreed that it does not affect or effect them in any way and are in agreement with the variance and the building and they have written letters to that effect. The house is surrounded by golf course and is not any type of a detriment to anyone in the vicinity."

The Applicant has received two letters of support from the two neighbors bordering Lot 2 to the north and south and also a letter of approval from the Community Association of Terravita. The proposed addition will encroach into the rear yard setback by 3.6 feet. The proposed addition is in accordance with the required side yard setbacks. Only two lots abut this lot. Other lots in the area are separated by the golf course, which has mature trees that generally block views of this lot.

STAFF CONTACT

Wendy Hardy, Planner
Phone: 480-312-7938
E-mail: Whardy@ScottsdaleAZ.gov

Tim Curtis, Principal Planner
Phone: 480-312-4210
E-mail: Tcurtis@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan

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1. Project Description
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7. Proposed Site Plan

Exhibit A

PROJECT NAME: COSENTINO PROJECT # 225 - PA 2006

AN ADDITION OF 15 X 19 FT ROOM TO THE WESTERLY END OF THE EXISTING MASTER BEDROOM, FOR USE AS A TV ROOM AND LIBRARY. SAID ROOM WOULD BE CONNECTED TO THE MASTER BEDROOM BY AN INTERIOR DOUBLE DOOR ACCESS CONSISTENT WITH EXISTING DOUBLE DOOR ACCESS'S THROUGHOUT THE HOUSE. THE ROOM WOULD HAVE CONNECTIONS TO THE EXISTING AIR CONDITIONER VENTS AND EXACT INTERIOR ROOF HEIGHT, RECESSED LIGHTING AND OTHER AMENITIES THAT PRESENTLY EXIST THROUGHOUT THE HOUSE.

THE TWO EXISTING WINDOWS ON THE WESTERLY SIDE OF THE BEDROOM WOULD BE REMOVED AND USED ON THE WESTERLY END OF THE NEW ADDITION. WHERE THE EXISTING DOUBLE WINDOW IN THE BEDROOM IS REMOVED SAID OPENING WOULD BE SHEETROCKED. WHERE THE EXISTING TRIPLE WINDOW IN THE BEDROOM IS REMOVED SAID OPENING WOULD BE WOULD BE REPLACED WITH A DOUBLE DOOR ACCESS AS SET FORTH ABOVE.

THE EASTERLY AND WESTERLY WALLS OF THE NEW ADDITION WOULD SOLID AND NOT HAVE ANY WINDOWS.

A PITCHED ROOF EQUAL TO THE EXISTING ROOF HEIGHT WOULD BE USED. SAID ROOF WOULD BE TIED INTO THE EXISTING PITCHED ROOF TO INCREASE THE EASE OF FLOW OF THE ADDITION.

EXISTING FOLIAGE WOULD BE KEPT IN PLACE EXCEPT FOR THAT AREA OF THE ADDITION.

IRREGULAR REAR LOT LINES CAUSING REAR SET BACK VARIANCE REQUEST

211-61-217, 6184 R1-10 ESL. 6184 e. DUSTY COYOTE CIR, SCOTTSDALE AZ

JOHN & SANDRA COSENTINO



8-BA-2006
5/1/2006

COSENTINO #225 PA2006

Exhibit-C

JOHN L. COSENTINO

Attorney At Law

Member, Colorado, Massachusetts, Rhode Island Bar

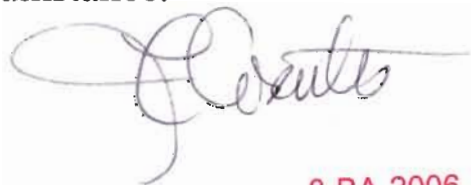
**805 West Tomichi Avenue
Gunnison, Colorado 81230**

Telephone 970-596-4440

Fax 970-641-5528/ Email: johncosentino@gunnison.com

April 27, 2006

The special circumstances were not created by the owner of the subject property and do not apply to other properties in the district. See attached exhibits c-2, 3, 4, and 5. This clearly shows that the Developer was going to construct outside the northwest line of the subject property two, men's and ladies, permanent restrooms for the golf participants. That project was cancelled and the subject restrooms were eventually put at the end of the cart path beyond the home on the forth green. The backyard of the subject property overlooks the fourth tee box. When the restroom project was cancelled and repositioned, the Developer did not readjust the property line for the subject property lot p-2, 6184 E. Dusty Coyote Circle causing the property owner to lose 740.5 Sq Ft. of space. See c-1. The property owner would not have had to apply for a rear set back variance if the Developer would have spent the additional \$20.00 to file a re plat for the subject lot p-2, 6184 E. Dusty Coyote Cir. Lot # p-3 has a slight bend to accommodate the existing cart path. No other homeowners have a similar problem. This is an undue hardship and special circumstance.

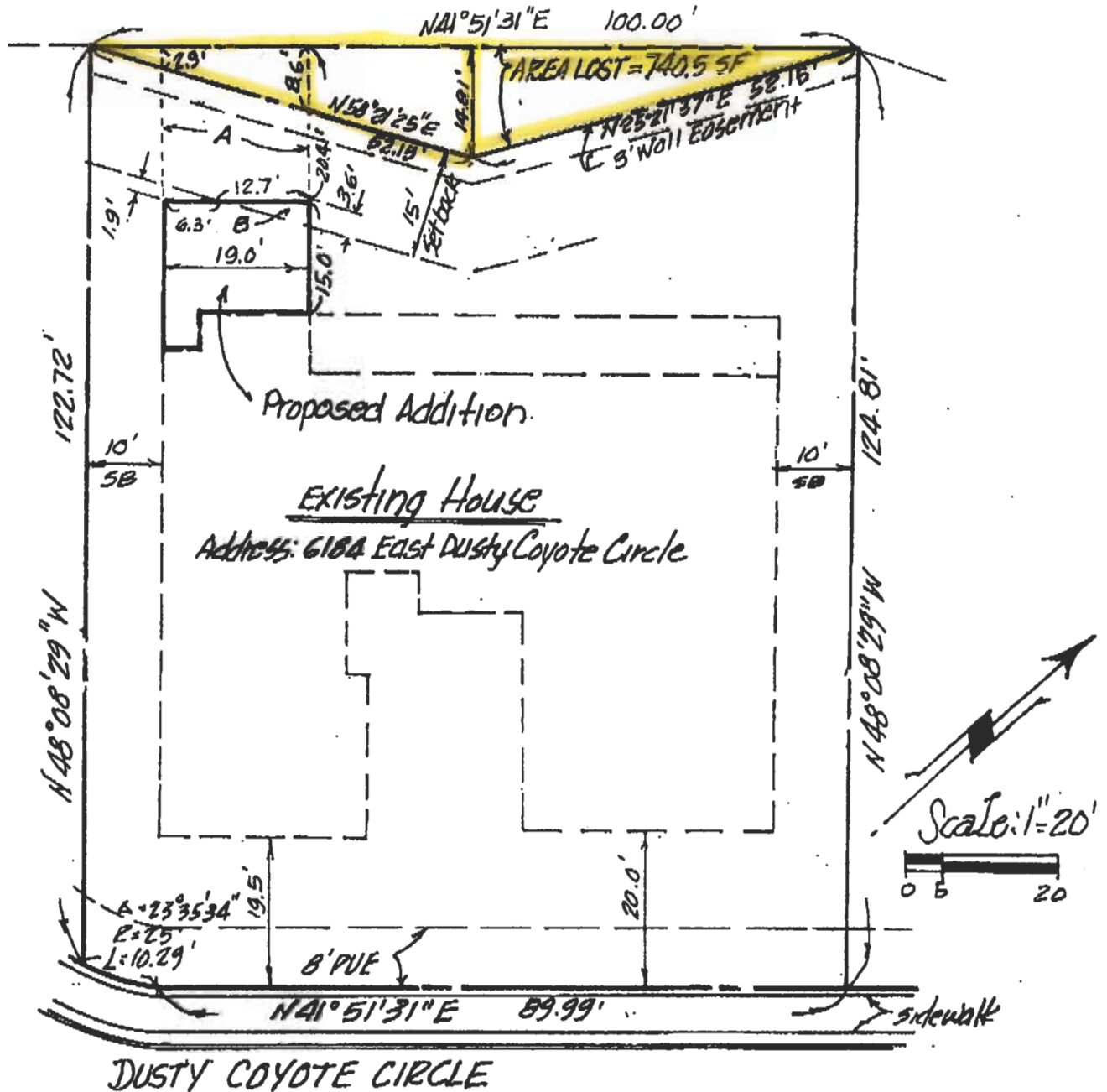


COSENTINO #225 P92006

8 DA 2006

ATTACHMENT #2

Exhibit C-1



PLOT PLAN of LOT 2, TERRAVITA PARCEL P
 Showing Proposed Addition to Existing House
 for JOHN COSENTINO (owner)

Prepared by DON M. MAIMONE
 RLS 25080



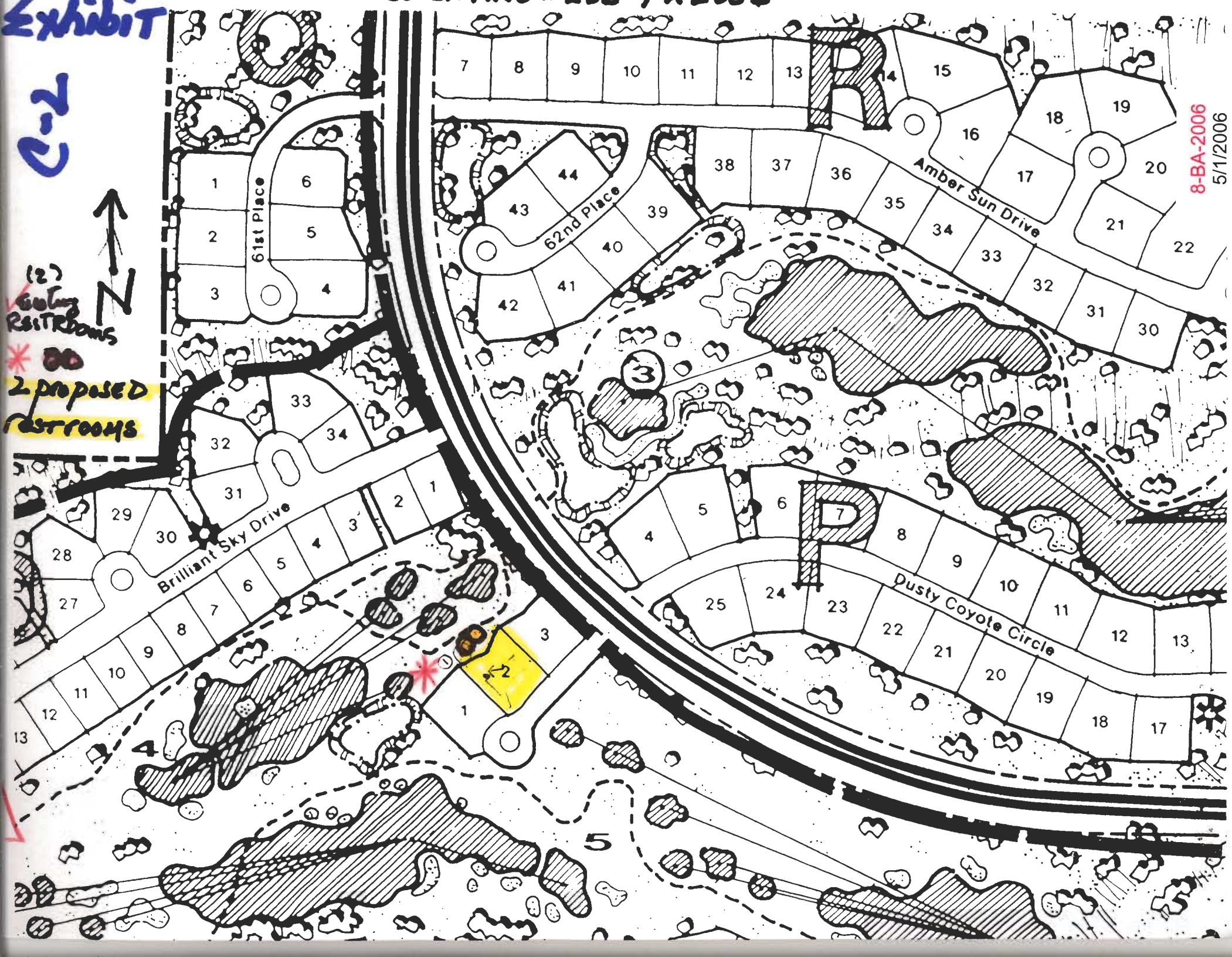
COSENTINO #225 PA2006

8-BA-2006
 5/1/2006

Exhibit

C-2

(2)
Existing
Restrooms
*
2 proposed
restrooms



8-BA-2006
5/1/2006

Exhibit C-3



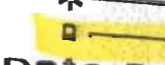

proved Zoning Summary

sed Use:	Zoning:	Area:
ercial	C-2	13 Acres
y Club	R1-10	17 Acres
ourse	O-S	240 Acres
Family	R1-10	553 Acres
Provided		>206 Acres (25%)

→ Total... 1384 Units/823 Acres

8-BA-2006
5/1/2006

Legend:

-  Retention/Drainage
-  Golf Cart Path
-  Internal Trails
-  External Trails
-  Community Mailbox Loc.
-  Golfcourse Restroom

Date: December 12, 1999



Scale: 1"=200'

0' 100' 200' 400'

DEL WEBB COMMUNITY

FERRAVITA

SCOTTSDALE · ARIZONA

ITA HOME CONSTRUCTION CO. • 14901 N. Scottsdale Road, Suite 200 • Scottsdale, AZ. • 85254
VOSS ASSOCIATES, INC. • 7502 East Main Street • Scottsdale, Arizona • 85251 • 602/994-0994

*Cosentino #245
PA 2006*

Exhibit C-4

GOLF COURSE

GOLF COURSE

HOLE

[illegible]

UNOFFICIAL DOCU

(C.6) \wedge 22.25.24
 2.25
 1:10.29
 (h) 10.29
 GOLF

COSENTINO

GOLF COURSE

TERRAVIVA

85.63
DUSTY

TRACT D
N 08° 15' 43" W
128.20

8-BA-2006
5/1/2006

45



Thursday, March 23, 2006 4:27 P

Exhibit D

JOHN L. COSENTINO

Attorney At Law

Member, Colorado, Massachusetts, Rhode Island Bar

**805 West Tomichi Avenue
Gunnison, Colorado 81230**

Telephone 970-596-4440

Fax 970-641-5528/ Email: johncosentino@gunnison.com

April 27, 2006

The loss of enjoyment of the proposed additional room, a TV room and library, to be added to the existing structure because of a shortfall of 3.6 feet to obtain the stated 15-foot rear setback is a substantial property right loss. This request for a variance of 3.6 feet would not have occurred if the Developer would have spent the additional \$20.00 to file a re plat of lot lines for the subject lot p-2, 6184 E. Dusty Coyote Cir. The Developer knew that the two restrooms were not going to be placed on the golf course on the northwesterly side outside the subject property line. The restrooms were built south of the fourth green. See exhibit c-2 and c-3. Because of the fact that the Developer did not readjust the property line for the subject property, the property owner is losing the enjoyment of ownership and use of their property rights.



COSENTINO # 225 PA 2006

8-BA-2006
5/1/2006

Exhibit E

LEN NOACK
NANCY NOACK
6196 E. Dusty Coyote Circle
SCOTTSDALE, ARIZONA 85262

December 22, 2005

City of Scottsdale
Planning and Development Services Department
7477 Indian School Rd. Suite 105
Scottsdale, AZ 85251
Attn: Joanie Liebelt

Terravita Community Association
Planning and Approval Committee

Scottsdale, AZ 85251
Attn: Mike Fee

Re: parcel # 211-61-217,
6184 E. Dusty Coyote Cr.,
Parcel P Lot 2, Terravita
Zoned R1-10 ESL.

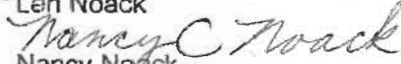
Gentlemen,

We, the undersigned, are owners of Parcel P Lot 3, Terravita with an address of 6196 E. Dusty Coyote Cir., Scottsdale AZ 85262. Our property borders the northerly side of 6184 E. Dusty Coyote Cr., its owners and our neighbors John and Sandra Cosentino.

We have no objection to the approval of a variance for the rear set back line for a proposed attached 15x19 sq. foot addition to the above home.

Very truly,


Len Noack


Nancy Noack

COSENTINO #225 PA2006

8-BA-2006
5/1/2006

EXHIBIT F

WILLIAM ROCKFORD
BEVERLY ROCKFORD
6172 E. Dusty Coyote Circle
SCOTTSDALE, ARIZONA 85262

December 22, 2005

City of Scottsdale
Planning and Development Services Department
7477 Indian School Rd. Suite 105
Scottsdale, AZ 85251
Attn: Joanie Liebelt

Terravita Community Association
Planning and Approval Committee

Scottsdale, AZ 85251
Attn: Mike Fee

Re: parcel # 211-61-217,
6184 E. Dusty Coyote Cr.,
Parcel P Lot 2, Terravita
Zoned R1-10 ESL.

Gentlemen.

We, the undersigned, are owners of Parcel P Lot 1, Terravita with an address of 6172 E. Dusty Coyote Cir., Scottsdale AZ 85262. Our property borders the southerly side of 6184 E. Dusty Coyote Cr., its owners and our neighbors John and Sandra Cosentino.

We have no objection to the approval of a variance for the rear set back line for a proposed attached 15x19 sq. foot addition to the above home.

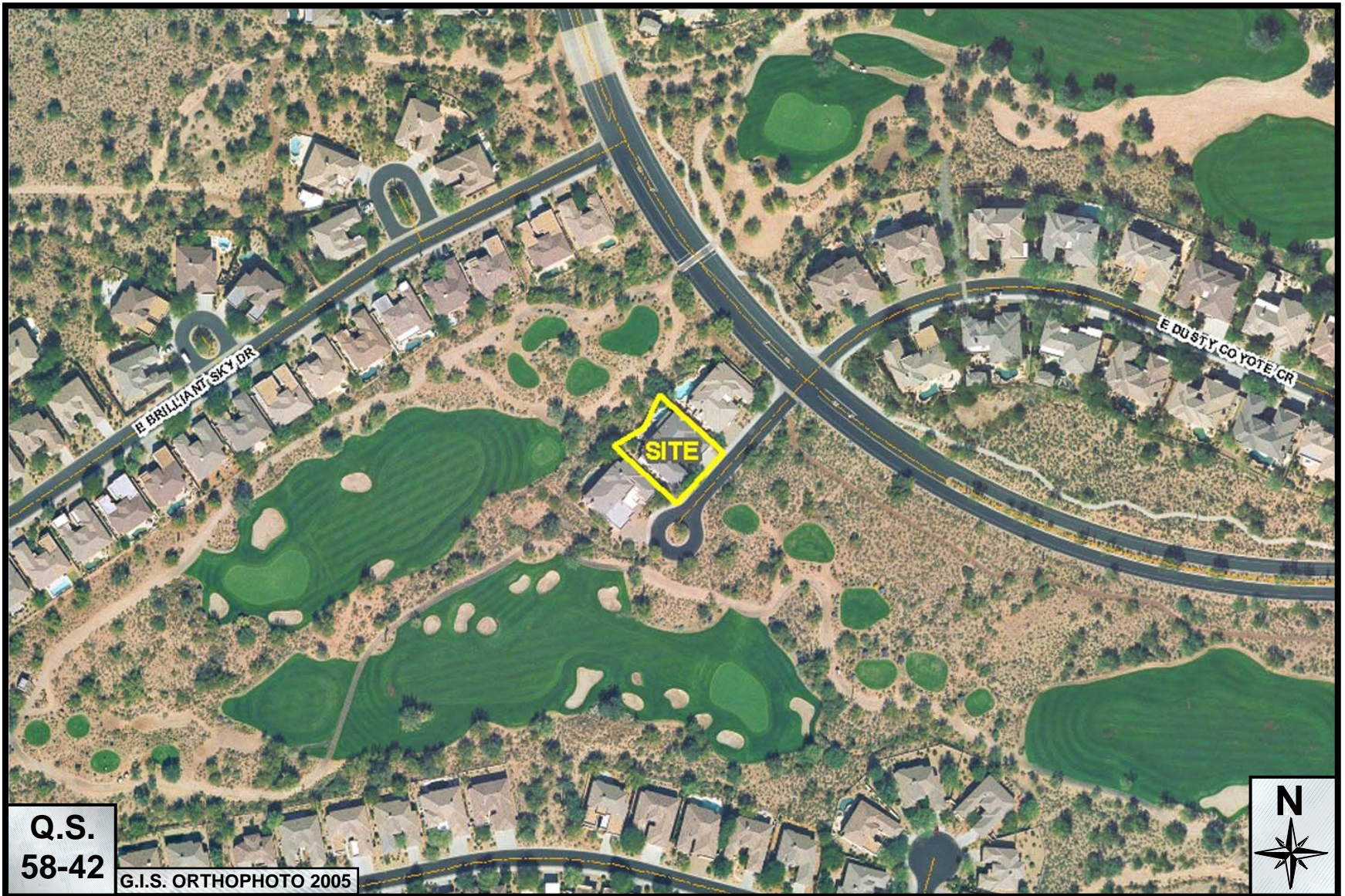
Very truly,


William Rockford

Beverly Rockford

COSENTINO #225 PA2006

8-BA-2006
5/1/2006



Cosentino Residence

8-BA-2006

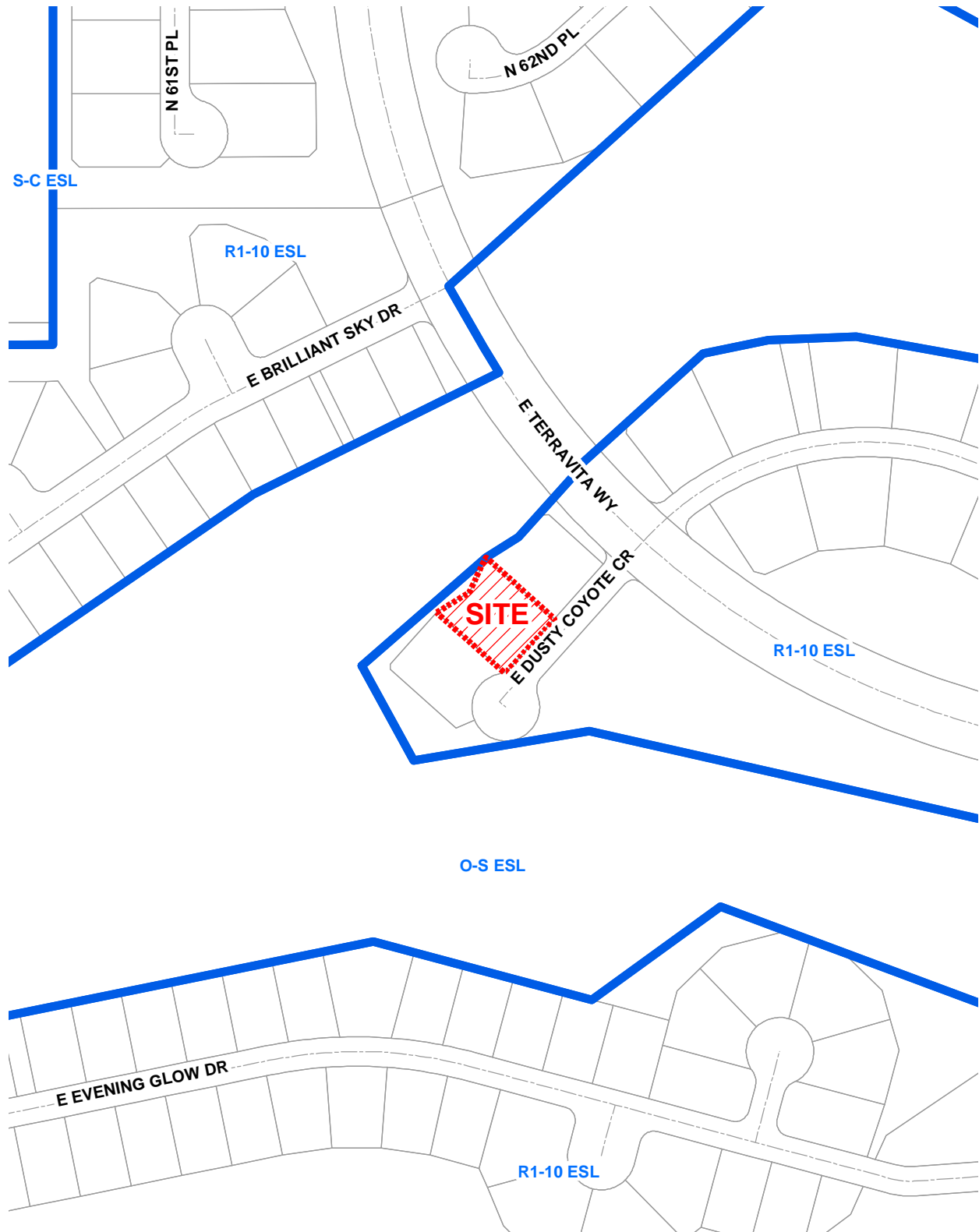
ATTACHMENT #3



Cosentino Residence

8-BA-2006

ATTACHMENT #4



8-BA-2006

ATTACHMENT #3

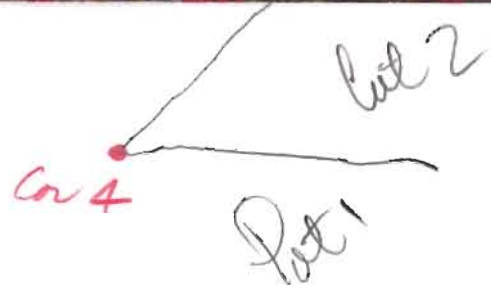
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EXHIBIT G-1

corner 4



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②

8-BA-2006
5/1/2006

Exhibit G-3



8-BA-2006
5/1/2006





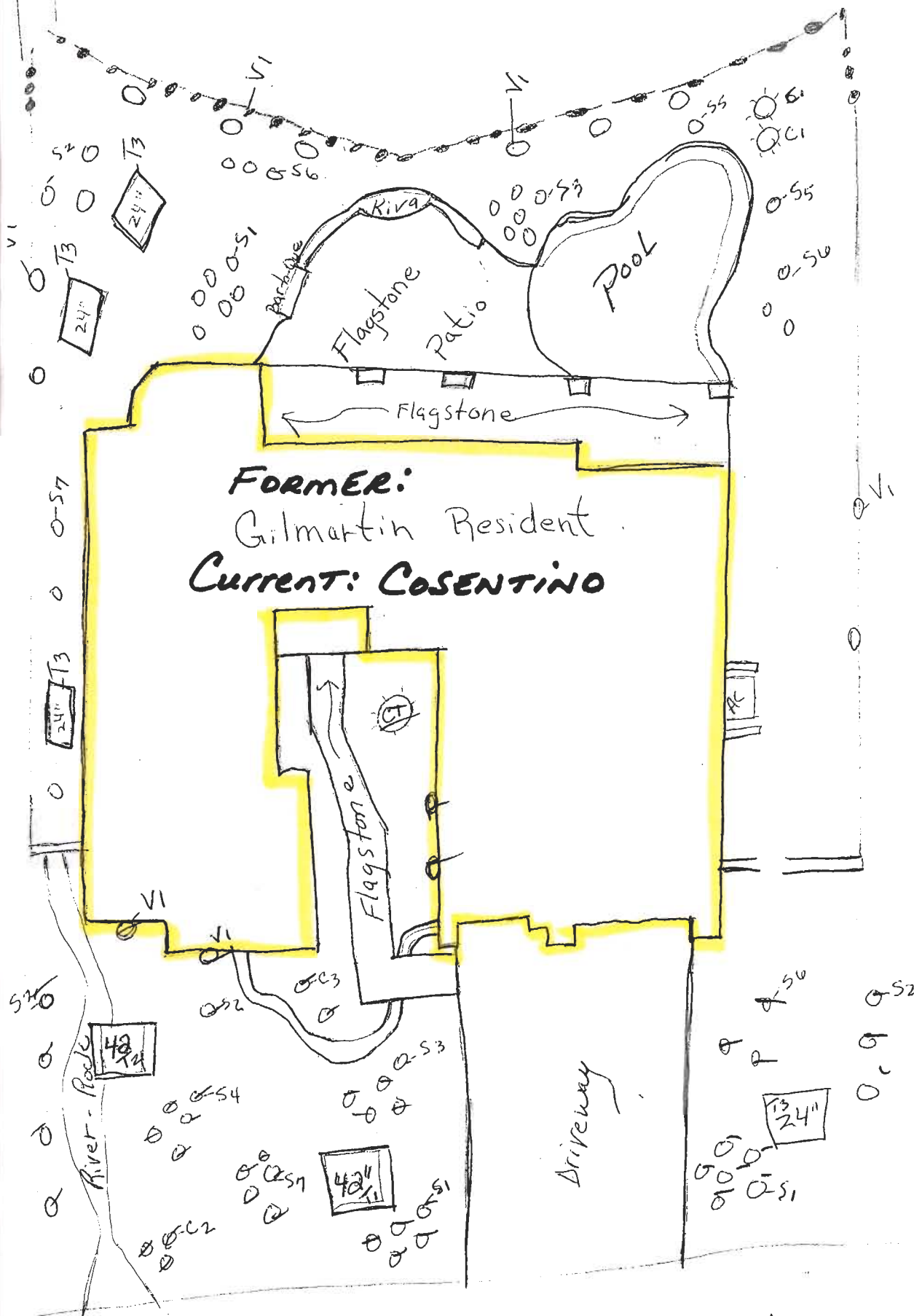


Exhibit G-10



8-BA-2006
5/1/2006

EXHIBIT A-1



6184 E. Dusty Coyote
COSENTINO #225 PA2006

8-BA-2006

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ATTACHMENT #7